

Article - Natural Resources

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§4-215.1.

(a) The provisions of this section do not apply if:

(1) The Department of the Environment has determined that it is necessary to close an area of State waters to finfishing for the protection of the public health and safety;

(2) An abatement or a summary abatement of a state of nuisance is necessary under § 4-205.1 of this subtitle; or

(3) The Department closes an area of State waters:

(i) For the stocking of coldwater trout; or

(ii) In order to provide a security zone adjacent to a production hatchery.

(b) The Department may completely close an area of State waters to all finfishing if the Department:

(1) In a written report made available to the general public:

(i) Makes a finding that the closure is necessary, after due consideration of:

1. The scientific basis for the closure;

2. The purpose of the closure;

3. The rationale for the selection of the specific area to be closed;

4. The sufficiency of the area closed to generate the benefits projected; and

5. The likelihood that the same objective could be effectively accomplished through the use of alternative management measures; and

(ii) Develops protocols and a reporting timeline to monitor and evaluate the effectiveness of the closure; and

(2) Holds at least one public hearing in accordance with the requirements under subsection (d) of this section.

(c) The reporting timeline required under subsection (b)(1)(ii) of this section shall provide for a written report as often as appropriate under the circumstances but at least as often as every 3 years from the date of closure.

(d) (1) For 2 successive weeks in advance of a public hearing required under subsection (b)(2) of this section, the Department shall:

(i) Post a notice of the date, time, place, and purpose of the hearing in a prominent position on the Department's official Internet website; and

(ii) Advertise the date, time, place, and purpose of the hearing in at least:

1. One newspaper of general daily circulation in the State; and

2. One newspaper circulated in the affected region of each county in which waters may be directly affected by the proposed closure.

(2) At least 15 days before the public hearing, the Department shall make available to the general public the report required under subsection (b)(1) of this section.

(e) Following a closure of State waters under this section, in a written report made available to the general public and in accordance with the reporting timeline established under subsection (b)(1)(ii) of this section, the Department shall:

(1) Based on the protocols adopted under subsection (b)(1)(ii) of this section, evaluate the effectiveness of the closure in accomplishing its overall management objectives; and

(2) Determine what, if any, management modifications would be appropriate, including the reopening of the closed area.

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